

E-Filed on 01/08/08

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING
ROBERT C. KIM TO PRODUCE
DOCUMENTS AND FOR
EXAMINATION PURSUANT TO
FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Robert C. Kim to produce documents and to appear for examination at the office of Lewis & Roca LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, Nevada 89169-5996, on a

1 business day no earlier than ten (10) business days after the filing of this Motion, or at
 2 such other mutually agreeable location, date, and time, and continuing from day to day
 3 thereafter until completed, as set forth in the subpoena to be issued under Federal Rule of
 4 Bankruptcy Procedure 9016.
 5

6 This Motion is further explained in the following Memorandum.

7 **Memorandum**

8 The Trust seeks information concerning legal services performed by Kummer
 9 Kaempfer Bonner Renshaw & Ferrario, Ltd. ("KKBR&F") on behalf of USACM, the
 10 other debtors in the above-captioned cases (together with USACM, the "Debtors"), and the
 11 Debtors' affiliates, subsidiaries, parents, or otherwise related entities.
 12

13 Mr. Kim was an attorney at KKBR&F who performed legal services on behalf of
 14 the Debtors. He is no longer employed by KKBR&F. KKBR&F is in the process of
 15 producing their records pursuant to a separate Rule 2004 subpoena.
 16

17 The Trust seeks this information from Mr. Kim to assist in the collection of the
 18 assets and the investigation of the liabilities of the Debtors.
 19

20 The requested discovery from KKBR&F is within the scope of examination
 21 permitted under Bankruptcy Rule 2004, which includes:

22 [t]he acts, conduct, or property or . . . the liabilities and financial condition
 23 of the debtor, or . . . any matter which may affect the administration of the
 24 debtor's estate, or to the debtor's right to a discharge. In a . . .
 25 reorganization case under chapter 11 of the Code, . . . the examination may
 26 also relate to the operation of any business and the desirability of its
 continuance, the source of any money or property acquired or to be acquired
 by the debtor for purposes of consummating a plan and the consideration
 given or offered therefore, and any other matter relevant to the case or to the
 formulation of a plan.¹

¹ FED.R. BANKR. P. 2004(b).

Conclusion

Accordingly, the Trust requests that this Court enter the form of order submitted with this Motion.

Dated: January 8, 2008.

DIAMOND MCCARTHY LLP

LEWIS AND ROCA LLP

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